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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,141	08/27/1999	IKKO FUSHIKI	03797.81834	7425

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EXAMINER
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LAROSE, COLIN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/384,141

Applicant(s)

FUSHIKI ET AL.

Examiner

Colin M. LaRose

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/1/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Arguments and Amendments*

1. Applicants' arguments and amendments filed 3 July 2002, have been entered and made of record.

### *Response to Amendments and Arguments*

2. The rejections under 35 U.S.C. §112 in paragraphs 4 and 6 of the previous Office Action have been withdrawn in view of Applicant's amendments to the corresponding claims.
3. Applicant's arguments filed 3 July 2002 have been fully considered but they are not persuasive for at least the following reasons.
4. The preamble of claim 1 was amended to denote that the invention is for use in a color management system. Applicant's Specification does not offer an explicit definition of a "color management system," however, the term, in general, was known by those skilled in the art at the time of the invention to refer to a collection of tools that facilitate the accurate representation of color images in a variety of settings.

Pritchett's invention relates to the conversion among RGB, YUV, and YCC color space formats. Pritchett discloses that each of the RGB, YUV, and YCC color spaces are used in different settings (column 1, lines 30-39), and then discloses a system for converting among the color spaces, corresponding to different settings, without undesirable effects or loss of information (column 2, lines 34-39). Therefore, Pritchett's system and method comprise a color management system.

The preambles of independent claims 15, 24, 32, 42, 48, 51, 52, 57, 59, and 60 were added or amended to denote use in a color management system. The above remarks also apply to these claims.

5. Claim 1 was amended to clarify that the mapping of color data values is to a gamut expanded color space. Applicant's Specification asserts that "by allowing the component of each primary color to be negative and to extend beyond 1.0 (when normalized to 1.0 in sRGB), the present invention's gamut is larger than the visible color space" (lines 16-18, page 7).

Pritchett's RGB color space is normalized so that each component varies between 0 and 1 (column 5, lines 1-4). Pritchett's expanded RGB color space is identical to the RGB color space except that it extends beyond the normalized range into negative values and values exceeding 1 (column 6, lines 7-9 and 19-22). Therefore, Pritchett's expanded RGB color space is also a gamut expanded color space, in accordance with Applicant's criteria for a color space to be gamut expanded.

Claims 2-9, 15, 16, 23-26, 30, 32-35, 41-44, 47-49, and 51-60 were added or amended to denote the gamut expanded color space. The above remarks also apply to these claims.

6. Claims 15 and 24 were amended to include the limitation of the gamut expanded color space values including color values "beyond a reproduction range of a specific device and includes all colors in a humanly visible gamut."

In a previous Office Action (Paper Number 8, Paragraph 8), it was established that Pritchett's expanded color space extends beyond (and includes) the range of humanly visible colors. Figure 3 of Pritchett illustrates that the extended RGB includes values including and beyond the YCC color space, which was well known in the art as defining a reproduction range

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for a digital video device (column 1, lines 38-39). Therefore, Pritchett's gamut expanded RGB color space meets the amended limitation of including color values "beyond a reproduction range of a specific device and includes all colors in a humanly visible gamut."

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-60 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 15, 23, 24, 32, 42, 48, 51-55, and 57-60 were added or amended to include the limitation of a gamut expanded color space being a common color data interchange format. The term "common color data interchange format" is not defined in Applicant's Specification, and it is not clear what the term means, based on the Specification.

Claims 2-14, 16-22, 25-31, 33-41, 43-47, 49, 50, and 56 are rejected for corresponding dependence on the above claims.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 15, 23, 24, 32, 42, 48, 51-55, and 57-60 were added or amended to include the limitation of a gamut expanded color space being a common color data interchange format. The term "common color data interchange format" is not defined in Applicant's Specification and the metes and bounds of said term are unclear.

Claims 2-14, 16-22, 25-31, 33-41, 43-47, 49, 50, and 56 are rejected for corresponding dependence on the above claims.

Hereafter, "common color data interchange format" is interpreted to denote a color data format (i.e. color space) that functions as an intermediate color data format for accurately converting from a first color format to a second color format.

#### ***Claim Rejections - 35 USC § 102***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 1-9, 14-17, 22-26, 31-35, and 40-50, and 55-60 are rejected under 35 U.S.C. 102(a) as being anticipated by Pritchett.

In a previous Office Action (Paper Number 8), claims 1-9, 14-17, 22-26, 31-35, and 40-50 were rejected under 35 U.S.C. § 102. Said rejection is incorporated herein by reference.

See the remarks in paragraphs 4-6 above concerning amended features.

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Claims 1, 15, 23, 24, 32, 42, 48 were added or amended to include the limitation of a gamut expanded color space being a “common color data interchange format.” Pritchett’s expanded RGB color space is a “common color data interchange format,” as interpreted by this Examiner, since it functions as an intermediate color space so that YCC can be accurately converted to RGB (column 2, lines 42-49).

Regarding claim 55, Pritchett discloses a method for providing a color space representation of color images in a color management system, comprising the steps of:

mapping color data (YCC) from a source peripheral (element 110, figure 1) to a gamut expanded color space (extended RGB) wherein said gamut expanded color space is a common color data interchange format; and

converting (extended RGB (extended second color space) is converted to RGB (second color space): column 3, lines 39-41) said gamut expanded color space to a color space of a destination peripheral device (element 134, figure 1).

Regarding claim 56, see the explanation for claim 15 above in paragraph 6.

Regarding claim 57, Pritchett discloses the digitized processing system as claimed. See figure 1 and the explanation for claim 55 above.

Regarding claim 58, Pritchett discloses a computer readable medium (software applications: column 4, line 9) to perform the claimed limitations. See the explanation for claim 55 above.

Regarding claim 59, see the explanation for claims 55 and 56 above, and 1 of the previous Office Action.

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Regarding claim 60, see the explanation for claims 55 and 56 above, and 7 of the previous Office Action.

***Claim Rejections - 35 USC § 103***

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 10, 18, 27, 36, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchett in view of Stokes and Yoda.

In a previous Office Action (Paper Number 8), claims 10, 18, 27, 36, and 51-54 were rejected under 35 U.S.C. § 103. Said rejection is incorporated herein by reference. [Note that claims 51-54 were mistakenly omitted in the statement of rejection in the previous Office Action.]

For claims 51-54, see the remarks in paragraphs 4 and 5 above concerning amendments.

15. Claims 11-13, 19-21, 28-30, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchett.

In a previous Office Action (Paper Number 8), claims 11-13, 19-21, 28-30, and 37-39 were rejected under 35 U.S.C. § 103. Said rejection is incorporated herein by reference, and corresponding remarks concerning amended features are in paragraphs 4-6 above.



*Conclusion*

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. The examiner can normally be reached Monday through Thursday from 8:00 to 5:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

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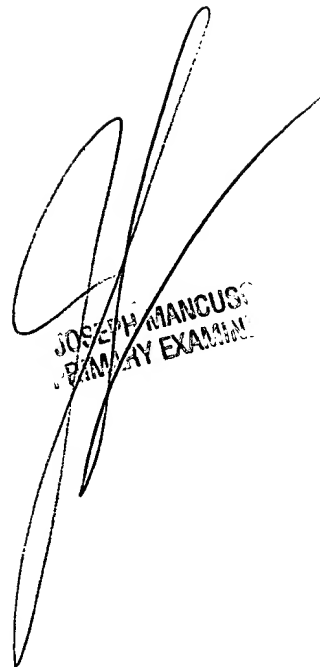
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24 July 2002



JOSEPH MANCUSO  
PRIMARY EXAMINER